

Serial No. 09/934,967

### **REMARKS**

Applicant wishes to thank the Supervisor Examiner Vidovich for the telephone interview courteously granted to his attorney on January 8, 2004. It is believed that the prosecution was considerably advanced during such interview. In particular, the Examiner expressed the view that the final rejection of claims over Paquette U.S. patent alone or in combination with Baker was not appropriate. Rather than the Paquette patent previously relied upon, the patent to Guthrie et al. presented the greater concern as the claims now stand. It was suggested that if independent claims 1 and 14 were substantially amended to clearly overcome the Guthrie et al. patent, partithey would be allowable subject to an additional search in the design patent field.

The applicant has now amended claim 1 to provide greater distinction over Guthrie et al. Claim 1, as amended, recites that the "body" has an upstanding striking face, a back side of said striking face, and a generally horizontal soleplate extending rearwardly of said striking face.

This claim is believed to define over Guthrie et al. in reciting "said weight member being supported substantially above the level of said soleplate". Guthrie et al. does not really show a soleplate, or if the base edge of their striking face 26 (which continues along the bottom of the web 12 and the weight 10) might be considered to be a soleplate, then the weight 10 is clearly not "supported substantially above the level of said soleplate".

Claim 1 was also amended to recite a weight member support rather than simply

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"a support". This change was also incorporated into claims 2, 6, and 10 for proper antecedent basis.

Claim 10 has been simplified since many of its recitations duplicated items added to claim 1.

Claim 14 has been amended to recite that the "single support" for the elongated weight member is --spaced above said soleplate-- which is believed to distinguish over Guthrie et al. just as discussed above regarding claim 1.

Claims 20-22, 26 and 27 have previously been indicated as allowable in the Advisory Action.

Claim 33 has been amended to recite --a back side of said striking face-- to provide an antecedent for a later recitation in line 5. This claim has also been amended to change the recitation of "a support vertically spaced from said soleplate to "a support spaced above -- said soleplate" and further "extending rearwardly with respect to the striking face from said backside of said striking face". This recitation defines over Guthrie et al. essentially as discussed above regarding claim 1 but also because if Guthrie et al.'s base edge 26 is considered to be a soleplate, it does not extend rearwardly further than the back side of his striking face.

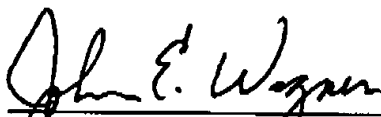
It is believed that the remaining claims are in condition for allowance and favorable action is requested. Should the Examiner disagree, it is requested that the previous Final Rejection be withdrawn, the present amendment and the previously supplied Declaration of Charles A. Finn be entered under the provisions of 37 CFR

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1.116, the application allowed, and the case passed to issue.

A request for extension of time has been included herewith.

Respectfully submitted,



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I:\Patent\Firm\64.SECOND PROPOSED AMENDMENT UNDER 37 CFR 1.116